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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,122	09/28/2001	Jerlyn R. Culp	10017934-1	4439

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,122

Applicant(s)

CULP ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,101,480 issued to Conmy et al (hereafter Conmy '480).

Claim 1:

Conmy '480 discloses:

- network interface for connecting to a network ;
- storage memory for storing a calendar source list [Fig 1, items 200, 202, 210, 212 and col 3, line 44 through col 4, line 40];
- controller for accessing a calendar source in accordance with said calendar source list via said network interface and retrieving calendar data [Fig 1, item 204 and col 4, lines 30-40];
- display for displaying said calendar data [Figs 5-9];
- said controller is configured to incorporate retrieved calendar data into a calendar database [Fig 1, item 200].

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Claim 2:

Conmy '480 discloses wherein said storage memory further comprises memory for storing said calendar database [Fig 1, items 200, 202, 210, 212 and col 3, line 44 through col 4, line 40].

Claim 3:

Conmy '480 discloses wherein said calendar database is associated with a predetermined party [abstract].

Claims 12-14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,761,525 issued to Williams (hereafter Williams '525).

Claim 12:

Williams '525 discloses:

- input for receiving image data generated by an optical imaging device [Fig 1, item 118], said image data representative of a visually perceptible calendar [Fig 2, item 150 and col 2, lines 1-8];
- controller for converting said image data into calendar data of a predetermined format [inherent];
- display for displaying said calendar data [Fig 1, item 126];
- and said controller is configured to incorporate said calendar data into a calendar database [Fig 1, item 108].

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Claim 13:

Williams '525 discloses wherein said optical imaging device comprises an optical scanning device for converting visually perceptible calendar information into an electronic format image file [Fig 1, item 118].

Claim 14:

Williams '525 discloses wherein said calendar data comprises text format data [Fig 3A, item 245 and col 4, lines 10-14] .

Claim 18:

Williams '525 discloses:

- interface for connecting to an optical imaging device [Fig 1, item 102];
- storage memory for storing image data generated by said optical imaging device [Fig 1, item 108],
- said image data representative of a printed calendar [Fig 2, item 150 and col 2, lines 1-8];
- controller for converting said image data into calendar data of a predetermined format [inherent]
- and incorporating said calendar data into a calendar database [Fig 1, item 108];
- display for displaying said calendar data [Fig 1, item 126];
- network interface for connecting with a network [Fig 1, item 114].

Claim 19:

Williams '525 discloses wherein said controller is configured to convert said image data via optical character recognition (OCR) to produce said calendar data [Fig 1, item 118].

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conmy '480 in view of Pub No US 2002/0093540 issued to Mariani et al (hereafter Mariani '540).

Claim 4:

Conmy '480 discloses

- network interface for connecting to a network [Fig 1];
- storage memory for storing a calendar source list [Fig 1, items 200, 202, 210, 212 and col 3, line 44 through col 4, line 40];
- controller [Fig 1, item 204 and col 4, lines 30-40] for accessing a calendar source in accordance with said calendar source list via said network interface and retrieving calendar data

Conmy '480 fails to disclose input for receiving image data from an optical input device.

Mariani '540 discloses input for receiving image data from an optical input device [paragraph 66].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Conmy '480 to include input for receiving image data from an optical input device as taught by Mariani '540.

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The ordinarily skilled artisan would have been motivated to modify Conmy '480 per the above for the purpose of providing an electronic input means that eliminates the need for manual data inputting.

Claim 5:

Mariani '540 discloses wherein said optical input device comprises an optical scanning device for converting printed calendar information into an electronic format image file [paragraph 66].

Claim 7:

The combination of Conmy '480 and Mariani '540 discloses the essential elements of claims 4 and 5 as noted above.

The combination of Conmy '480 and Mariani '540 fails to disclose wherein said controller is configured to convert said electronic format image file into a data file of a predetermined format.

Official Notice is taken that wherein said controller is configured to convert said electronic format image file into a data file of a predetermined format is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify the combination of Conmy '480 and Mariani '540 to include wherein said controller is configured to convert said electronic format image file into a data file of a predetermined format for the purpose of being able to read from and write to the data file from a user specified application program.

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Claim 8:

The combination of Conmy '480 and Mariani '540 discloses the essential elements of claims 4, 5 and 7 as noted above.

The combination of Conmy '480 and Mariani '540 fails to disclose wherein said predetermined format constitutes text format.

Official Notice is taken that wherein said predetermined format constitutes text format. is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify the combination of Conmy '480 and Mariani '540 for the purpose of maintaining a consistent text format throughout a particular document.

Claim 9:

Conmy '480 discloses said controller is configured to incorporate retrieved calendar data into a calendar database [Fig 1, item 200].

Claim 10:

Conmy '480 discloses wherein said network comprises the Internet [col 2, lines 4-10].

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Conmy '480 and Mariani '540 and further in view of Pub No US 2002/0075524 issued to Blair et al (hereafter Blair '524).

Claim 6:

The combination of Conmy '480 and Mariani '540 discloses the elements of claims 4 and 5 as noted above.

The combination of Conmy '480 and Mariani '540 fails to disclose wherein said controller is configured to convert said electronic format image file into a data file of a predetermined format via optical character recognition (OCR).

Blair '524 discloses wherein said controller is configured to convert said electronic format image file into a data file of a predetermined format via optical character recognition (OCR) [paragraph 30].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Conmy '480 and Mariani '540 to include wherein said controller is configured to convert said electronic format image file into a data file of a predetermined format via optical character recognition (OCR) as taught by Blair '524.

The ordinarily skilled artisan would have been motivated to modify the combination of Conmy '480 and Mariani '540 per the above for the purpose of providing editable text [paragraph 30].

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Conmy '480 and Mariani '540 and further in view of Pub No US 2003/0004776 issued to Perella et al (hereafter Perella '776).

Claim 11:

The combination of Conmy '480 and Mariani '540 discloses the elements of claims 4 and 5 as noted above.

The combination of Conmy '480 and Mariani '540 fails to disclose wherein said network interface comprises a wireless interface.

Perella '776 discloses wherein said network interface comprises a wireless interface [abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Conmy '480 and Mariani '540 to include wherein said network interface comprises a wireless interface as taught by Perella '776.

The ordinarily skilled artisan would have been motivated to modify the combination of Conmy '480 and Mariani '540 per the above for the purpose of providing a mobile device [abstract].

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams '525.

Claim 15:

Williams '525 discloses the elements of claim 12 as noted above.

Williams '525 fails to disclose wherein said calendar data comprises vCard compliant data.

Official Notice is taken that vCard¹ compliant data is well-known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams '525 to include vCard compliant data for the purpose of converting optical character recognition data into editable format data.

¹ Internet Engineering Task Force (IETF) publications RFC 2425 and RFC 2426.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams '525 as applied to claim above, and further in view of Mariani '540.

Claim 16:

Williams '525 discloses the elements of claim 12 as noted above.

Williams '525 fails to disclose wherein said calendar data comprises html format data.

Mariani '540 discloses wherein said calendar data comprises html format data [paragraph 23]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams '525 to include wherein said calendar data comprises html format data as taught by Mariani '540.

The ordinarily skilled artisan would have been motivated to modify Williams '525 per the above for the purpose of interfacing with the internet [paragraph 23].

Claim 17:

Williams '525 discloses the elements of claim 12 as noted above.

Williams '525 fails to disclose wherein said calendar data comprises data specifying a World Wide Web address associated with a calendar source.

Mariani '540 discloses wherein said calendar data comprises data specifying a World Wide Web address associated with a calendar source [paragraph 23]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams '525 to include wherein said calendar data comprises data specifying a World Wide Web address associated with a calendar source as taught by Mariani '540.

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The ordinarily skilled artisan would have been motivated to modify Williams '525 per the above for the purpose of interfacing with the internet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux



November 20, 2003



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